

Appl. No. 09/605,824
Amdt. dated October 18, 2004
Reply to Office action of September 7, 2004

Remarks:

Claims 2-8 and 15 are pending in this application. Claims 1 and 9-14 have been cancelled by way of this amendment.

The Applicant acknowledges the Examiner's indication that claims 5 and 15 are allowed and that claim 2 may be considered allowable if rewritten to include the base claim. Claim 2 has been amended as required.

The Examiner has rejected claims 1, 3, 4, 6-8 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,362,908 to Kimbrough et al. (hereinafter "Kimbrough") in view of US Patent No. 5,896,211 to Watanabe (hereinafter "Watanabe").

Claims 3 and 6 have been amended to depend from claim 2, rather than from claim 1. Claim 4 depends from claim 3 and has not been amended.

Claim 7 has been amended to claim a data communication apparatus for carrying out the method of claim 2. Similarly, claim 8 has been amended to claim a data communication apparatus including means for carrying out the method of claim 2.

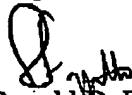
Claims 10-12 have been cancelled by way of this amendment.

In view of the foregoing, and in view of the Examiner's implicit indication that claim 2 is patentable over Kimbrough in view of Watanabe, it is submitted that claims 3, 4, 6, which depend either directly or indirectly from claim 2, and claims 7 and 8, which claim apparatus for carrying out the method of claim 2, are patentable over Kimbrough in view of Watanabe.

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In view of the foregoing, early favorable consideration of the application is earnestly solicited.

Respectfully submitted,



Ronald D. Faggetter
Registration No. 33,345
SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Canada M5G 2K8

Telephone: (416) 593-5514
Facsimile: (416) 591-1690

Toronto, Ontario
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